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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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10 GREGORY D. BARREN, SR.,) Case No.: 2:-11-cv-650-RLH-CWH
11)
12 Plaintiff,) O R D E R
13 vs.) (Motion to Suppress Hearsay – #60)
14 DAVID ROGER, OFFICER T. ROBINSON;)
15 OFFICER R. KENT; OFFICER D. SHANE,)
16 Defendants.)

17 Before the Court is Plaintiff Gregory D. Barren, Sr.’s **Motion to Suppress Hearsay**
18 **Statements of the Defendant Police Officers** (#60, Mar. 20, 2014). The Court has also
19 considered Defendants Terry Robinson, Raymon Kent, and Donald Shane’s (collectively
20 “Officers”) Opposition (#65, Apr. 1, 2014) and Plaintiff’s Reply (#66, Apr. 7, 2014). For the
21 reasons discussed below, the Court denies Plaintiff’s motion.

22 This case is a civil rights action based on an unreasonable search and seizure and a
23 deprivation of due process. Plaintiff filed his complaint on August 3, 2011. The case scheduling
24 order set a discovery cut-off date of May 19, 2014 and a June 18, 2014 dispositive motion
25 deadline. Although framed as a “motion to suppress,” Plaintiff’s motion is a motion in limine to
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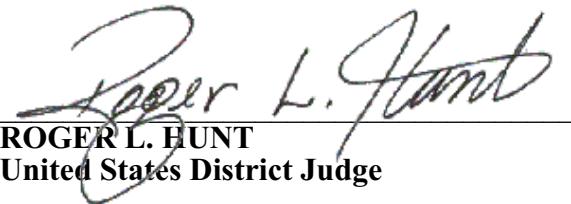
1 exclude evidence at trial. Plaintiff moves to exclude certain statements in the arrest and domestic
2 battery reports. Plaintiff argues the statements are inadmissible hearsay.

3 Plaintiff's motion is premature and attempts to preempt projected actions of the
4 Officers. However, the Court finds it unnecessary at this time to provide a general court order
5 excluding evidence Plaintiff believes is hearsay when there has been no indication that the Officers
6 intend to admit the reports. Plaintiff's motion is more appropriately dealt with when the record has
7 been more fully developed and the Officers have actually proffered the reports either in a
8 dispositive motion or on the eve of trial. Accordingly, Plaintiff's motion is denied without
9 prejudice. Plaintiff may re-raise these arguments in opposition to any dispositive motion filed by
10 the Officers or as a motion in limine before trial.

11 Accordingly, and for good cause appearing,

12 IT IS HEREBY ORDERED that Plaintiff's Motion to Suppress Hearsay Statements
13 of the Defendant Police Officers (#60, Mar. 20, 2014) is DENIED.

14 Dated: April 10, 2014.

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16 ROGER L. HUNT
17 United States District Judge
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